

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VIACOM INTERNATIONAL, INC., COMEDY
PARTNERS, COUNTRY MUSIC
TELEVISION, INC., PARAMOUNT
PICTURES CORPORATION, and BLACK
ENTERTAINMENT TELEVISION, LLC,

Plaintiffs,

vs.

No. 07-CV-2103

YOUTUBE, INC., YOUTUBE, LLC,
and GOOGLE, INC.,

Defendants.

-----X

THE FOOTBALL ASSOCIATION PREMIER
LEAGUE LIMITED, BOURNE CO., et al.,
on behalf of themselves and
all others similarly situated,

Plaintiffs,

vs.

No. 07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC,
and GOOGLE, INC.,

Defendants.

-----X

HIGHLY CONFIDENTIAL
VIDEOTAPED DEPOSITION OF PETER CHANE
PALO ALTO, CALIFORNIA
WEDNESDAY, DECEMBER 2, 2009

JOB NO. 18308

PETER CHANE - HIGHLY CONFIDENTIAL

Page 2

1 PALO ALTO, CA PETER CHANE DECEMBER 2, 2009

2 DECEMBER 2, 2009

3 10:00 A.M.

4

5 HIGHLY CONFIDENTIAL VIDEOTAPED DEPOSITION OF PETER

6 CHANE, at WILSON SONSINI GOODRICH & ROSATI, 601

7 California Avenue, Palo Alto, California, pursuant to

8 notice, before me, KATHERINE E. LAUSTER, CLR, CRR, RPR,

9 CSR License No. 1894.

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1 PALO ALTO, CA PETER CHANE DECEMBER 2, 2009

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2 A P P E A R A N C E S: (Continued)

3

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10 Also Present: KEN REESER, Videographer

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2 10:07:48 A. One and one half days.

3 10:07:50 Q. And have you ever testified before under
4 10:07:54 oath?

5 10:07:55 A. No, I have not.

6 10:07:57 Q. Do you -- I take it you've not testified,
7 10:07:59 then, in a court of law before?

8 10:08:01 A. I have not.

9 10:08:02 Q. And you've never testified at a deposition
10 10:08:04 before?

11 10:08:05 A. I have not testified at a deposition
12 10:08:07 before.

13 10:08:09 Q. And since -- is there any reason you're
14 10:08:11 aware of why you are not in the position to give
15 10:08:15 your best testimony today to the jury?

16 10:08:17 A. I believe I'm in a position to give my
17 10:08:19 best -- best testimony today.

18 10:08:21 Q. Now, when you joined Google seven years
19 10:08:24 ago, you said that was in 2001? 2002? When did you
20 10:08:32 join?

21 10:08:33 A. I joined Google in January of 2003.

22 10:08:37 Q. And at the time of the creation of
23 10:08:47 YouTube, were you involved with the business unit
24 10:08:52 known as Google Video?

25 10:08:56 MR. INGBER: Objection. Lacks foundation.

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2 10:08:58 THE WITNESS: I was involved. I don't

3 10:09:01 know exactly when YouTube started.

4 10:09:04 BY MR. BASKIN:

5 10:09:05 Q. In 2005 and 2006, were you employed by

6 10:09:09 Google Video?

7 10:09:10 A. I was employed by Google, Incorporated, at

8 10:09:14 that time.

9 10:09:15 Q. And were you assigned to the business unit

10 10:09:17 known as Google Video?

11 10:09:19 A. I worked on a project known as Google

12 10:09:21 Video.

13 10:09:22 Q. And were you senior management of that

14 10:09:25 project?

15 10:09:25 MR. INGBER: Object to form. Vague.

16 10:09:28 THE WITNESS: No, I was not.

17 10:09:29 BY MR. BASKIN:

18 10:09:29 Q. Who was the senior manager?

19 10:09:31 A. Susan Wojcicki was the senior manager of

20 10:09:35 Google Video.

21 10:09:36 Q. And how many people worked on this project

22 10:09:40 known as Google Video in and around 2005 and 2006?

23 10:09:44 A. I don't recall.

24 10:09:45 Q. And was your direct report Miss Wojcicki?

25 10:09:50 A. No, she was not.

1 PALO ALTO, CA PETER CHANE DECEMBER 2, 2009

2 10:09:51 Q. Was she -- strike that.

3 10:09:52 Were you her direct report?

4 10:09:54 A. Yes, I was.

5 10:09:55 Q. So, basically, you were the second person
6 10:09:57 responsible for this project known as Google Video?

7 10:10:01 MR. INGBER: Objection. Form.

8 10:10:02 THE WITNESS: I was a member of the Google
9 10:10:04 Video team.

10 10:10:05 BY MR. BASKIN:

11 10:10:05 Q. And do you recall officially what your
12 10:10:07 title was?

13 10:10:08 A. My title was business product manager.

14 10:10:10 Q. And how many people did you manage as
15 10:10:14 business product manager?

16 10:10:17 A. Zero.

17 10:10:18 Q. So it was just you? You were the sole
18 10:10:20 business project manager?

19 10:10:21 A. Yes.

20 10:10:22 Q. And what was business project manager?
21 10:10:25 What did you do?

22 10:10:26 A. The term is business product manager, and
23 10:10:28 I was responsible for the vision of the product and
24 10:10:34 responsible to work with engineering to build the
25 10:10:41 product.

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2 10:56:04 members of the executive committee or operating com-

3 10:56:08 -- OC of Google?

4 10:56:12 A. I don't recall exactly who is on the OC in

5 10:56:16 Google.

6 10:56:16 MR. BASKIN: Let me show you what we'll

7 10:56:18 mark as Exhibit 3.

8 10:56:21 THE REPORTER: 4.

9 10:56:21 MR. BASKIN: 4.

10 10:56:30 (Deposition Exhibit Number 4 was marked

11 10:56:30 for identification.)

12 10:56:50 BY MR. BASKIN:

13 10:56:50 Q. Let me hand you what we'll mark as Exhibit

14 10:56:53 4. (Hands document.)

15 10:58:23 BY MR. BASKIN:

16 10:58:24 Q. First of all, by the way, can you identify

17 10:58:26 Exhibit 4 as an e-mail chain between you and

18 10:58:29 Mr. Rosenberg in and around January 2006?

19 10:58:33 A. Yes.

20 10:58:34 Q. Now, by the way, on the second page, am I

21 10:58:39 right that, at least to Mr. Rosenberg, you held

22 10:58:44 yourself out as senior business product manager?

23 10:58:47 A. That's what I stated my title to be at the

24 10:58:55 time?

25 10:58:55 Q. Did you get promoted from the period of

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2 10:58:57 time that you were talking about in the early part

3 10:58:59 of the deposition till now? Were you promoted to

4 10:59:03 senior business product manager?

5 10:59:04 A. I don't recall exactly, but I guess I was,

6 10:59:07 since I changed my title.

7 10:59:10 Q. And in your capacity as senior business

8 10:59:13 product manager, did anyone report to you then?

9 10:59:15 A. No.

10 10:59:16 Q. Now, I'm interested in the e-mail in the

11 10:59:21 middle of the Exhibit 4. First of all, you'll see

12 10:59:31 that in the e-mail dated January 15th, 2006, at

13 10:59:37 2:29 p.m. on a Sunday, you were explaining, to

14 10:59:44 Mr. Rosenberg at least, Google Video's zero

15 10:59:51 tolerance policy for copyrighted content.

16 10:59:57 Do you see that?

17 10:59:58 A. I see that.

18 10:59:58 Q. And he tells you in the immediately

19 11:00:00 preceding -- in the e-mail right above that that "I

20 11:00:03 agree with our policy here."

21 11:00:07 Do you see that, sir?

22 11:00:08 A. Yes, I see those words.

23 11:00:10 Q. Now, do you recall actually discuss -- now

24 11:00:13 do you recall discussing with Mr. Rosenberg that

25 11:00:24 Google Video had a zero tolerance policy for

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2 11:00:28 copyrighted content?

3 11:00:29 A. I don't recall a specific discussion with

4 11:00:29 Mr. Rosenberg, but I'm sure Mr. Rosenberg was aware

5 11:00:31 of our policy, because he was responsible for all

6 11:00:39 Google products and, as a matter of his work, needed

7 11:00:40 to know details about them.

8 11:00:42 Q. Now, then you say, in the course of that

9 11:00:43 e-mail at 2:29 p.m.:

10 11:00:47 "youtube is at an advantage because they

11 11:00:51 aren't the target that we are with issues

12 11:00:54 like this. They are aware of this (I

13 11:01:00 spoke with them on friday) and they plan

14 11:01:04 on exploiting this in order to get more

15 11:01:08 and more traffic."

16 11:01:10 Do you see that, Mr. Chane?

17 11:01:11 A. I do see that.

18 11:01:12 Q. Now, first of all, in reporting to

19 11:01:14 Mr. Rosenberg about YouTube's awareness and plan,

20 11:01:24 who did you speak with on Friday at YouTube when --

21 11:01:25 that you got this information?

22 11:01:27 A. I don't recall. I recall having the one

23 11:01:30 meeting with YouTube that we already discussed.

24 11:01:33 Q. So to the extent that you were accurately

25 11:01:35 reporting YouTube's policies and practices to

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2 11:01:37 Mr. Rosenberg, I take it that the source of your

3 11:01:42 information would have been either Mr. Hurley or

4 11:01:45 Mr. Maxcy at this one meeting you had; right, sir?

5 11:01:49 MR. INGBER: Objection. Lacks foundation,

6 11:01:51 calls for speculation.

7 11:01:57 THE WITNESS: Those are the attendees in

8 11:02:00 the meeting.

9 11:02:01 BY MR. BASKIN:

10 11:02:01 Q. And the only attendees in the meeting;

11 11:02:05 right?

12 11:02:05 A. That's correct.

13 11:02:06 Q. And that was your only meeting with

14 11:02:09 YouTube prior to the acquisition by Google; correct?

15 11:02:13 A. That's correct.

16 11:02:14 Q. And you recall no phone call; correct,

17 11:02:16 sir?

18 11:02:17 A. I recall no phone calls.

19 11:02:19 Q. Now, do you recall, as you sit here today,

20 11:02:21 Chad Hurley saying to you, in nouns and verbs, that

21 11:02:26 they are aware that they have an advantage as

22 11:02:30 against Google Video's zero tolerance policy for

23 11:02:33 copyrighted content and they plan on exploiting that

24 11:02:38 advantage in order to get more and more traffic?

25 11:02:41 MR. INGBER: Objection. To the extent it

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2 11:30:16 Exhibit 6 as consisting of an e-mail chain of which

3 11:30:24 you were a participant?

4 11:30:26 A. I'm a participant on this e-mail chain.

5 11:30:29 Q. Now, again, so we just keep people

6 11:30:33 straight, who is Jeremy Doig, D-o-i-g?

7 11:30:40 A. Jeremy Doig was responsible for

8 11:30:42 engineering the Google Video site.

9 11:30:45 Q. And who is Hunter Walk?

10 11:30:48 A. Hunter Walk was a product manager working

11 11:30:51 on Google Video.

12 11:31:01 Q. And as senior business product manner --

13 11:31:02 manager, does Hunter Walk report to you?

14 11:31:06 A. No, he did not.

15 11:31:07 Q. Now, you will see, in the course of this

16 11:31:10 e-mail chain, Mr. Walk is -- raises the point to you

17 11:31:14 that:

18 11:31:15 "Additionally YouTube is able to play fast

19 11:31:21 and loose with copyright, R-rated content.

20 11:31:27 We can't do this."

21 11:31:28 Do you see that, sir?

22 11:31:29 A. I see that.

23 11:31:30 Q. And then above you say --

24 11:31:32 MR. INGBER: Objection to the extent it --

25 11:31:34 it mischaracterizes the document and doesn't quote

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12:49:00 2 THE WITNESS: 12.

12:49:01 3 MR. BASKIN: Let me hand you what we'll

12:49:02 4 mark as Exhibit 12.

12:49:04 5 (Deposition Exhibit Number 12 was marked

12:49:04 6 for identification.)

12:49:18 7 BY MR. BASKIN:

12:49:19 8 Q. Can you identify at least the bottom half

12:49:21 9 of this e-mail, the one below "Holy cow," as being

12:49:27 10 an e-mail sent by you to the video team, setting

12:49:33 11 forth a statement by Peter Chernin, the head of Fox,

12:49:40 12 20th Century Fox, that:

12:49:43 13 "we did a survey and more than 80 percent

12:49:46 14 of video on YouTube is copyrighted

12:49:49 15 content."

12:49:49 16 Do you recall, circulating this, sir?

12:49:53 17 MR. INGBER: Objection to form.

12:49:54 18 THE WITNESS: Before you showed me this

12:49:56 19 e-mail I didn't recall circulating it. Now I see

12:49:59 20 it, I recall this e-mail.

12:50:05 21 BY MR. BASKIN:

12:50:06 22 Q. Do you recall at the GPS meeting a

12:50:09 23 discussion of how extensive copyrighted content is

12:50:12 24 on the YouTube website?

12:50:17 25 A. I don't recall that discussion in

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12:50:19 2 particular.

12:50:19 3 I -- it's in the ballpark of things we
12:50:22 4 could have touched on in that meeting, because we
12:50:24 5 were trying to take a holistic view of video on the
12:50:28 6 Internet, and how Google could succeed in that
12:50:32 7 space, and that was one of the topics that was
12:50:34 8 relevant to that.

12:50:36 9 Q. Well, at the GPS meeting, were you
12:50:38 10 planning to be a presenter?

12:50:40 11 MR. INGBER: Objection. Vague.

12:50:44 12 THE WITNESS: At GPS meetings a number of
12:50:47 13 people present.

12:50:49 14 And -- and the form of those meetings,
12:50:52 15 just to paint the picture, is a table like this one,
12:50:56 16 maybe larger, where people are seated around having
12:50:59 17 a discussion. It isn't -- it's not a -- a lecturn
12:51:05 18 where one person is sort of presenting to a -- an
12:51:09 19 audience.

12:51:10 20 And so in that environment, a number of
12:51:12 21 people speak up and, you know, take the role of a
12:51:15 22 presenter, but it's more conversational.

12:51:18 23 BY MR. BASKIN:

12:51:19 24 Q. Well, do you recall, without regard to
12:51:21 25 date, although I'll show you in a second it was in

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12:51:24 2 May of 2006 -- do you recall attending a GPS meeting
12:51:29 3 on Google Video where the CEO of Google, Eric
12:51:36 4 Schmidt was in attendance?

12:51:39 5 A. I recall attending GPS the meetings. I
12:51:43 6 don't recall the one you're referring to. And I
12:51:45 7 don't recall who was in attendance at -- at the
12:51:49 8 meetings.

12:51:50 9 Q. Do you recall attending a GPS meeting on
12:51:54 10 Google Video in mid 2006 where Mr. Brin, Sergey Brin
12:51:59 11 was in attendance?

12:52:01 12 A. I don't recall the meeting.

12:52:03 13 Q. Now, let me hand you what we will mark
12:52:06 14 as --

12:52:07 15 MR. INGBER: Stu, do you want to break for
12:52:09 16 lunch before you --

12:52:11 17 MR. BASKIN: Oh, sure. That's a good
12:52:12 18 idea. Let's -- because we're going to be a while on
12:52:15 19 this, why don't we break, do that.

12:52:17 20 THE VIDEOGRAPHER: The time is 12:51 p.m.
12:52:21 21 We're off the record.

12:52:23 22 (Lunch break.)

23

24

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2 AFTERNOON SESSION

3 DECEMBER 2, 2009; 1:27 P.M.

4

13:27:45 5 THE VIDEOGRAPHER: The time is 1:27 p.m.

13:27:49 6 We are back on the record.

13:27:50 7 EXAMINATION RESUMED

13:27:52 8 MR. BASKIN: Okay. Let me hand you what

13:27:57 9 we will mark as Exhibit 13.

13:27:59 10 (Deposition Exhibit Number 13 was marked

13:27:59 11 for identification.)

13:28:38 12 BY MR. BASKIN:

13:28:39 13 Q. Sir, I may direct your attention to some
13:28:41 14 pages, but I may not. So let's just start with the
13:28:45 15 beginning.

13:28:45 16 Can you identify Exhibit 13 as an e-mail
13:28:49 17 and accompanying attachment that was c -- sent to
13:28:54 18 you by way of cc on or around May 4th, 2006?

13:29:04 19 A. Correct.

13:29:04 20 Q. Sorry?

13:29:05 21 A. Yes.

13:29:07 22 Q. Now, you'll see that the e-mail is
13:29:10 23 denominated "deck draft," and then the first full
13:29:15 24 page after that sets this forth as a presentation to
13:29:19 25 be made by you. And the page after that sets forth

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13:29:27 2 topics discussed at this GPS.

13:29:31 3 Do you -- does -- does this remind you
13:29:33 4 that you made a presentation at a GPS meeting
13:29:39 5 regarding Google Video in and around May of 2006?

13:29:44 6 A. Yes.

13:29:45 7 Q. Now, taking a look for a second at the
13:29:48 8 presentation, do you recall presenting the -- this
13:29:56 9 presentation at the GPS?

13:29:58 10 A. I don't recall presenting the
13:30:00 11 presentation.

13:30:01 12 Q. Do you recall, when you made a
13:30:04 13 presentation at the GPS, did you work off of slides
13:30:08 14 or -- or hand out a book such as this?

13:30:16 15 A. At a GPS meeting, it was out of practice
13:30:21 16 to hand out a printed copy. I don't recall whether
13:30:23 17 this meeting we worked from slides or -- or worked
13:30:28 18 from a verbal dialogue.

13:30:30 19 Q. But do you remember anything at all that
13:30:31 20 happened at a GPS meeting in May of 2006 regarding
13:30:36 21 the topic of Google Video?

13:30:37 22 A. I don't recall the -- the meeting.

13:30:39 23 Q. And you don't recall what you said, I take
13:30:42 24 it?

13:30:42 25 A. I don't recall what I said at the meeting.

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13:30:44 2 Q. You don't recall who was in attendance?

13:30:46 3 A. I don't recall the attendees.

13:30:48 4 Q. You don't recall whether Eric Schmidt was
13:30:51 5 in attendance?

13:30:51 6 A. I don't recall if Eric --

13:30:52 7 MR. INGBER: Asked and answered.

13:30:53 8 THE WITNESS: I don't recall whether Eric
13:30:55 9 Schmidt was in attendance.

13:30:57 10 BY MR. BASKIN:

13:30:57 11 Q. And you don't recall whether Sergey Brin
13:31:02 12 was in attendance?

13:31:03 13 MR. INGBER: Same objections.

13:31:03 14 THE WITNESS: I don't.

13:31:04 15 BY MR. BASKIN:

13:31:04 16 Q. And you don't recall which other members
13:31:04 17 of the senior management of Google were in
13:31:09 18 attendance at the meeting?

13:31:11 19 MR. INGBER: Objection. Asked and
13:31:11 20 answered, vague.

13:31:12 21 THE WITNESS: I don't recall.

13:31:13 22 BY MR. BASKIN:

13:31:14 23 Q. Do you recall, at the GPS, whether there
13:31:16 24 was an explicit discussion whether Google Video
13:31:19 25 should reduce its copyright compliance standards as

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13:31:25 2 a way of competing better with YouTube?

13:31:28 3 MR. INGBER: Objection. Form, vague and

13:31:28 4 ambiguous.

13:31:35 5 A. I don't recall. In this slide deck there

13:31:38 6 are talks -- there is discussion about our practices

13:31:41 7 to make sure unauthorized content is not on our

13:31:44 8 service.

13:31:45 9 BY MR. BASKIN:

13:31:45 10 Q. But -- and do you recall actually

13:31:47 11 discussing at the meeting, at the GPS, whether

13:31:51 12 Google Video should adopt a more liberal copyright

13:31:56 13 compliance standard in order to compete with

13:31:58 14 YouTube?

13:32:00 15 MR. INGBER: Objection. Form.

13:32:01 16 THE WITNESS: I don't recall that.

13:32:02 17 MR. BASKIN: Now, let me show you next

13:32:04 18 what we'll mark as Exhibit 14.

13:32:05 19 (Deposition Exhibit Number 14 was marked

13:32:05 20 for identification.)

13:32:44 21 BY MR. BASKIN:

13:32:44 22 Q. Can you, first of all, sir, identify

13:32:47 23 Exhibit 14 as consisting of an e-mail and

13:32:49 24 accompanying attachments sent to you by Ethan

13:32:54 25 Anderson on or about May 7th, 2006?

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13:32:58 2 A. That appears to be correct.

13:33:00 3 Q. And who was -- who was Ethan Anderson?

13:33:03 4 A. Ethan Anderson was a junior member -- a
13:33:05 5 junior product manager working on how to adapt
13:33:10 6 Google Video to be appropriate to international
13:33:13 7 markets.

13:33:14 8 Q. And reviewing Exhibit 14, the attachments,
13:33:20 9 do you remember whether these slides or attachments
13:33:26 10 prepared by Mr. Anderson were, in fact, presented to
13:33:29 11 the GPS in May of 2006?

13:33:32 12 A. I don't recall.

13:33:33 13 Q. Do you recall whether the slides prepared
13:33:35 14 by Mr. Anderson were, in fact, presented -- whether
13:33:41 15 topics in the slides presented by Mr. Anderson were
13:33:44 16 presented at the meeting in May of 2006?

13:33:47 17 A. I don't recall.

13:33:48 18 Q. Now, you'll notice, for example, if you go
13:33:52 19 to the page marked -- Bates stamped -5032, there is
13:34:02 20 a page entitled: "How is GV doing overall?"

13:34:08 21 A. I see that page.

13:34:09 22 Q. And it says:

13:34:10 23 "YouTube is getting more traffic and
13:34:13 24 engagement than Google Video today,"
13:34:15 25 providing statistics for March, and then below it

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13:34:19 2 gives certain reasons why, based on qualitative
13:34:22 3 research in four companies -- in four countries,
13:34:26 4 rather.

13:34:27 5 And you see the line:

13:34:28 6 "YouTube's content is all free, and much
13:34:31 7 of it is highly sought after pirated
13:34:35 8 clips."

13:34:36 9 Do you see that, sir?

13:34:37 10 A. I see that.

13:34:38 11 Q. Do you remember that page being discussed
13:34:39 12 at the GPS meeting in May of 2006?

13:34:42 13 A. I don't recall.

13:34:43 14 Q. Do you recall the concept that in a --
13:34:45 15 that a study was prepared, qualitative research was
13:34:49 16 done by your team in -- oh, internationally in four
13:34:54 17 countries, and they concluded that YouTube's
13:34:57 18 content, much of it, is highly sought-after pirated
13:35:01 19 clips?

13:35:01 20 MR. INGBER: Objection. Assumes facts,
13:35:05 21 foundation.

13:35:06 22 THE WITNESS: Sorry. Can you state that
13:35:07 23 one more time?

13:35:07 24 BY MR. BASKIN:

13:35:08 25 Q. Do you recall Mr. Anderson's comment about

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13:35:10 2 the qualitative research that was done, and the
13:35:13 3 conclusion that much of YouTube's content is highly
13:35:16 4 sought-after pirated slips -- do you recall that
13:35:19 5 being discussed at the GPS meeting in May of 2006?

13:35:20 6 MR. INGBER: Same objections.

13:35:20 7 THE WITNESS: I don't recall that.

13:35:26 8 BY MR. BASKIN:

13:35:27 9 Q. I take it you have no memory at all what
13:35:29 10 happened at that meeting; is that right?

13:35:31 11 MR. INGBER: Objection. Asked and
13:35:31 12 answered.

13:35:32 13 THE WITNESS: Well, you showed me the
13:35:33 14 presentation. So I -- you know, it looks familiar.
13:35:35 15 I don't remember the exact meeting.

13:35:38 16 BY MR. BASKIN:

13:35:38 17 Q. Now, "the presentation," meaning Exhibit
13:35:41 18 13?

13:35:42 19 A. That's what I was referring to, that
13:35:43 20 exhibit.

13:35:45 21 Q. And that appears to you to be the
13:35:47 22 presentation that you made at the meeting?

13:35:49 23 MR. INGBER: Objection. Misstates the
13:35:50 24 document. It says "draft" on the cover.

13:35:55 25 THE WITNESS: No, the -- I don't know what

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13:35:57 2 was presented or discussed at the meeting. The

13:36:00 3 presentation reminds me of the issues that we were,

13:36:02 4 as a team, discussing in those times -- during that

13:36:05 5 period.

13:36:06 6 MR. BASKIN: Now, let's turn next to what

13:36:10 7 we'll mark as Exhibit -- 15?

13:36:15 8 THE REPORTER: Yes.

13:36:16 9 (Deposition Exhibit Number 15 was marked

13:36:16 10 for identification.)

13:37:06 11 BY MR. BASKIN:

13:37:07 12 Q. First of all, sir, can you identify

13:37:09 13 Exhibit 15 as an e-mail received by you in around

13:37:14 14 May 8th, 2006, with accompanying attachments?

13:37:18 15 A. Yes.

13:37:20 16 Q. Now, was Mr. Eun -- strike that.

13:37:35 17 This e-mail is -- is -- is subject matter:

13:37:37 18 "Updated slides for Dave." I take that as David

13:37:42 19 Eun?

13:37:43 20 MR. INGBER: Objection. Lacks foundation,

13:37:46 21 calls for speculation.

13:37:49 22 THE WITNESS: The e-mail is from David

13:37:51 23 Eun. He signs it "Dave." So I assume that Dav- --

13:37:55 24 MR. INGBER: Don't assume. Don't assume.

13:37:58 25 THE WITNESS: I'm reading the word "Dave."

DAVID FELDMAN WORLDWIDE, INC.

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2 15:17:12 BY MR. BASKIN:

3 15:17:13 Q. And what happened after the -- this
4 15:17:18 initial decision? Did there come a time when a
5 15:17:21 decision was made that all new uploads of videos
6 15:17:25 would be directed through YouTube and not Google
7 15:17:29 Video?

8 15:17:30 MR. INGBER: Objection. Form.

9 15:17:31 THE WITNESS: I don't recall when -- I
10 15:17:34 moved off the project shortly thereafter, and I
11 15:17:37 don't recall that particular decision.

12 15:17:39 BY MR. BASKIN:

13 15:17:40 Q. What project did you move on to shortly
14 15:17:43 thereafter?

15 15:17:45 A. Google Docs.

16 15:17:47 Q. When did, approximately -- because it may
17 15:17:49 save us some time -- when approximately did you move
18 15:17:52 off the Google Video project?

19 15:18:01 A. I think shortly -- I believe the period
20 15:18:05 we're discussing is the end of a year. Shortly
21 15:18:09 after the new year I moved off.

22 15:18:11 Q. The new year meaning 2007?

23 15:18:13 A. I believe so, yes.

24 15:18:14 Q. And --

25 15:18:17 A. The best of my recollection.

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2 15:18:18 MR. INGBER: Just speak up a little bit.

3 15:18:20 THE WITNESS: The best of my recollection.

4 15:18:21 BY MR. BASKIN:

5 15:18:22 Q. Were you involved at all with the

6 15:18:28 discussions within Google -- strike that.

7 15:18:38 Were you involved at all with -- in --

8 15:18:39 with discussions between Google and various content

9 15:18:44 owners such as Viacom, on the subject of entering

10 15:18:48 into license agreements to display their content

11 15:18:52 over YouTube?

12 15:18:54 A. No, I was not involved in those

13 15:18:55 discussions.

14 15:18:57 Q. Do you have any information you recall

15 15:18:59 regarding that subject, the subject of discussions

16 15:19:03 between YouTube and content owners like Viacom?

17 15:19:09 MR. INGBER: Objection to form.

18 15:19:11 THE WITNESS: I was never involved in

19 15:19:12 those discussions.

20 15:19:14 BY MR. BASKIN:

21 15:19:14 Q. What about on the Google Video side? Were

22 15:19:16 there discussions after the acquisition of YouTube

23 15:19:21 between Google Video and content owners regarding

24 15:19:25 placing their content on Google Video?

25 15:19:29 MR. INGBER: Objection to form. It's